

28W

Case 7346



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Christian Keller et al. : Group Art Unit: 3763  
Serial No. 10/791,895 :  
Filed: March 4, 2004 :  
For: ESOPHAGEAL AIRWAY MANAGEMENT :  
DEVICE GUIDES :

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)  
BASED ON PROSPECTIVE MANUFACTURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions to advance examination of the above-identified application based on prospective manufacture of the claimed invention.

Applicant states that:

(A) the prospective manufacturer of the invention will manufacture the invention in quantity, and that sufficient capital and facilities will be made available if a patent is granted;

Serial No. 10/791,895

Petition to Make Special Under 37 C.F.R. § 1.102(d)

Based on Prospective Manufacture dated May 3, 2006

In Reply of N/A

(B) the prospective manufacturer will not manufacture, unless certain that the patent will be granted;

(C) the prospective manufacturer obligates itself to manufacture the invention, in the United States or its possessions, in quantity either immediately upon the allowance of claims or upon issuance of a patent which will protect the investment of capital and facilities; and

(D) Applicant has caused to be made a careful and thorough search of the prior art; and

(E) Applicant has already provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and the said references are already of record, as evidenced by the previously filed Information Disclosure Statement, filed January 16, 2004.

Accordingly, it is requested that this Petition be granted, and that the above-identified application be advanced for examination.

Attached is a check in the amount of \$130.00 in accordance with 37 C.F.R. § 1.102(d) and 37 C.F.R. § 1.17(h). It is

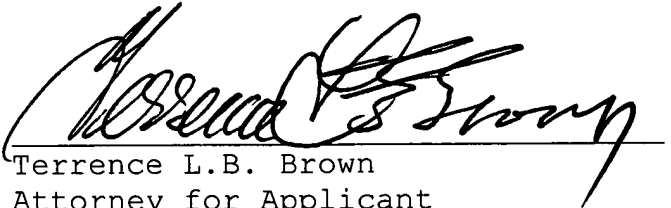
Serial No. 10/791,895  
Petition to Make Special Under 37 C.F.R. § 1.102(d)  
Based on Prospective Manufacture dated May 3, 2006  
In Reply of N/A

believed that no additional fee is due for this submission;  
however, should that determination be incorrect, the Examiner is  
hereby authorized to charge any deficiencies to our Deposit  
Account No. 19-2105, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss  
further this matter, please telephone Terrence Brown at the 703-  
684-5600 to discuss such.

Respectfully submitted,

Date: May 3, 2006

  
Terrence L.B. Brown  
Attorney for Applicant  
Reg. No. 32,685

SHLESINGER, ARKWRIGHT & GARVEY LLP  
1420 King Street, Suite 600  
Alexandria, Virginia 22314  
(703) 684-5600  
sb